

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION

HARDWOOD LUMBER, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
BREWCO INCORPORATED,)	DEMAND FOR JURY TRIAL
)	
Defendant.)	<u>Removed from:</u>
)	Circuit Court of Barry County, Missouri,
)	Case No. 18BR-CC00063
)	

NOTICE OF REMOVAL

COMES NOW Defendant Brewco Incorporated (“Brewco”), by and through counsel, and for its notice of removal of this action pursuant to 28 U.S.C. § 1441, from the Circuit Court of Barry County, Missouri, to the United States District Court for the Western District of Missouri, Southern Division, states as follows:

1. On July 27, 2018, Plaintiff filed this civil action in the Circuit Court of Barry County, Missouri, assigned case number 18BR-CC00063 (the “State Court Action”). True and accurate complete copies of the process, pleadings and all other documents in the State Court Action are attached hereto as “**Exhibit A**” in accordance with 28 U.S.C. § 1446(a).

2. Defendant Brewco was served with the summons and Plaintiff’s Petition filed in this matter on September 10, 2018.

3. This notice of removal is filed within thirty (30) days of Brewco having been served a copy of Plaintiff’s complaint as required under 28 U.S.C. § 1446(b).

4. The amount in controversy in this case exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. Plaintiff Hardwood Lumber, Inc. is, and was at all times relevant hereto, a corporation organized under the laws of the State of Nebraska, with its principal place of business in Missouri.

6. Brewco is, and was at all times relevant hereto, a corporation organized and existing under the laws of Kentucky, with its principal place of business in Kentucky.

7. The Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1332(a)(1), and this action is removable pursuant to 28 U.S.C. § 1441(a), because this action is between citizens of different states and the amount in controversy in this case exceeds the sum or value of \$75,000, exclusive of interest and costs.

8. Pursuant to 28 U.S.C. § 1446(d), the undersigned counsel certifies that a copy of this Notice of Removal will be served promptly on Plaintiff and filed promptly in the State Court Action, now pending in the Circuit Court of Barry County, Missouri, docketed as case number 18BR-CC00063. A copy of said written notice is attached as **“Exhibit B.”**

9. A Civil Cover Sheet is attached hereto as **“Exhibit C”** and incorporated herein by reference.

WHEREFORE, Brewco gives notice that this action is removed to this Court and hereby requests that the Court invoke its jurisdiction in this matter and place this cause on the Court’s docket for further proceedings.

Respectfully submitted,

TURNER, REID, DUNCAN, LOOMER
& PATTON, P.C.

/s/ SCOTT E. BELLM

By _____
Scott E. Bellm, Mo. Bar#47385

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Attorneys for Defendant Brewco Incorporated

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was filed via the ECF filing system and additionally served electronically upon the following attorney of record:

Donald L. Cupps – MO Bar #29559

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Attorney for Plaintiff

Hardwood Lumber

E-Mail Address: Don.Cupps@gmail.com

on this 10th day of October, 2018.

/s/ SCOTT E. BELLM

Attorney